



COMMONWEALTH of VIRGINIA
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April 18, 2003

C. Diane Woolard, Ph.D., M.P.H.
Director, Division of Surveillance and Investigation
Virginia Department of Health
1500 E. Main Street
Main Street Station
Richmond, Virginia 23219

Re: Amended Regulations Governing Disease Reporting and Control
12 VAC 5-90-10 *et seq.*

Dear Dr. Woolard:

I have reviewed the Virginia Department of Health's request to add severe acute respiratory syndrome ("SARS") to the list of reportable diseases. The amended regulations do not conflict with other federal or state statutes or regulations and do not violate the United States or Virginia Constitutions.

The Board of Health has the authority to promulgate the regulations under Va. Code § 32.1-12 and Va. Code § 32.1-35. The regulations are consistent with the Board's mandate as set forth in these sections. The regulations are exempt from the Administrative Process Act pursuant to Va. Code § 2.2-4002(A)(25) under an exemption for "[t]he Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35." The Board of Health will not exceed its statutory authority in promulgating these regulatory amendments.

Very truly yours,

Robin V. Kurz
Assistant Attorney General

cc: Douglas R. Harris, Administrative Law and Regulatory Compliance Advisor